

REMARKS

The paper is in reply to an Office Action mailed on January 13, 2002, in which the Examiner stated that Applicants' reply filed on October 23, 2002, was not fully responsive to an Office Action mailed August 27, 2002. The Examiner properly states that Applicants did not elect a species from each of the three categories recited in Paragraph 3 of the Office Action mailed August 27, 2002. This Office Action is submitted to elect such species.

The above-mentioned patent application, filed on 27 April 2001, presents Claims 1 through 14, inclusive. The Examiner has lodged a restriction requirement under 35 U.S.C. 121, stating the patent application presents the following distinct inventions:

Group I which presents Claims 1-10, inclusive, drawn to a general oxide composition formula comprising Ti and Ce, classified in class 252, subclass 62.2, and

Group II, which presents Claims 11 through 14, inclusive, drawn to a method of making a solid electrolyte comprising a general oxide composition formula comprising Ti and Ce, classified in class 429, subclass 46.

Applicants elect without traverse to prosecute the invention according to Group I (Claims 1 through 10, inclusive) in the present patent application. Therefore, Claims 11-14, inclusive, have been canceled pursuant to this restriction requirement. Applicants expressly reserve the right to prosecute the invention of Group II in a separate patent application.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. More particularly, election of species is to be made for the three elements Ln, Ln' and A in the general oxide composition formula presented in Claim 1, the sole independent Claim of the elected invention according to Group I.

First Category for Ln:

Applicants are required to select a single species from the group consisting of Sm, Gd and Y. For purposes of complying with 35 U.S.C. 121, Applicants elect Sm as a single species for prosecution on the merits.

Second Category for Ln³:

Applicant are required to select a single species from the group consisting of La, Pr, Nd, Pm, Eu, Tb, Dy, Ho, Er, Tm, Yb and Lu. For purposes of complying with 35 U.S.C. 121, Applicants elect Nd as a single species for prosecution on the merits.

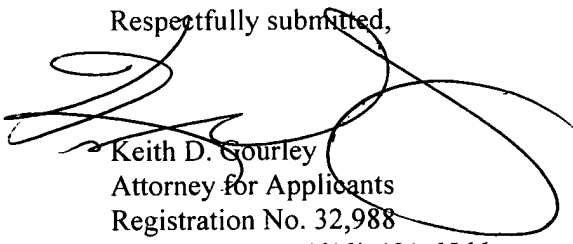
Third Category for A:

Applicants are required to select a single species from the group consisting of Mg, Ca, Sr and Ba. For purposes of complying with 35 U.S.C. 121, Applicants elect Mg as a single species for prosecution on the merits.

Applicants are required to list all Claims readable upon the stated election of species. Applicants hereby state that Claims 2 through 10, inclusive are readable upon the stated election of species made to Claim 1.

Applicants acknowledge their obligation under 37 CFR 1.48(b) to review inventorship of the pending patent application in view of cancellation of the Claims to the non-elected invention. The inventorship of the pending claims has been reviewed and no amendment of inventorship is required due to cancellation of the Claims of Group II drawn to the non-elected invention. Believing the application is in condition for allowance, Applicants solicit an action to that effect.

Respectfully submitted,



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